

ITW

Docket No.: 50389-052

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------|---|----------------------------|
| In re Application of | : | Customer Number: 20277 |
| Chihiro KAWAI, et al. | : | Confirmation Number: 3373 |
| Application No.: 10/500,975 | : | Group Art Unit: 1632 |
| Filed: July 08, 2004 | : | Examiner: Not yet assigned |

For: POROUS SEMICONDUCTOR AND METHOD FOR MANUFACTURING SAME

REQUEST FOR CORRECTED FILING RECEIPT


Mail Stop OIPE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is a copy of the Filing Receipt received from the U.S. Patent and Trademark Office in the above-referenced application. It is noted that the title is incorrect and the third listed Japanese priority application number and filing date are also incorrect. Attached is a copy of the executed declaration/oath and Form PCT/IB/304, which evidences the correct title and Japanese application number and filing date, which have been highlighted for convenience. It is requested that a corrected filing receipt be issued.

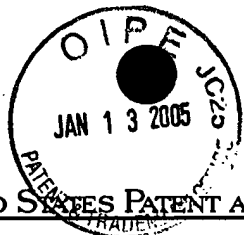
Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Arthur J. Steiner
Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AJS:cg
Facsimile: 202.756.8087
Date: January 13, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPL NO. | FILING OR 371 (c) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/500,975 | 07/08/2004 | 1632 | 2160 | 50389-052 | 28 | 68 | 4 |

CONFIRMATION NO. 3373

McDermott Will & Emery
600 13th Street N W
Washington, DC 20005-3096

FILING RECEIPT



OC000000014299306

Date Mailed: 11/05/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Chihiro Kawai, Itami-shi, Hyogo, JAPAN;
Masami Tatsumi, Itami-shi, Hyogo, JAPAN;

Power of Attorney:

Arthur Steiner-26106
David J. Serbin-30589
John Hawkins-32029
Leon R. Turkevich-34035
Edward J. Wise-34523

Michele Simkin-34717
Robert W. Zelnick-36976
Keith Townsend-40358
Craig Plastrik-41254
Christopher Palermo-42056

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP03/08777 07/10/2003

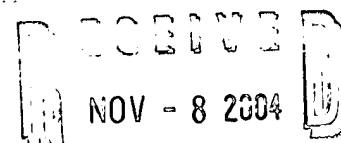
Foreign Applications

JAPAN 2002-202837 11/07/2002
JAPAN 2002-292533 10/04/2002
JAPAN 2002-321315 03/28/2003
JAPAN 2003-90727 03/28/2003
JAPAN 2003-148029 05/26/2003

321351 11/5/02

Projected Publication Date: 02/10/2005

Non-Publication Request: No



MW&E

Early Publication Request: No

Title

METHOD FOR MANUFACTURING SAME
Porous semiconductor and process for producing the same

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

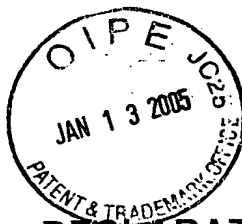
This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Docket No.:



05-10804 (PCT 1)

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled, the specification of which

☒ is attached hereto ☐ was filed on POROUS SEMICONDUCTOR AND METHOD FOR MANUFACTURING SAME as Application Serial No. _____ and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s): | | | Priority Claimed | |
|-------------------------------|---------|----------------------|------------------|----|
| Number | Country | Day/Month/Year filed | Yes | No |
| JP Pat. Appl. No. 2002-202837 | Japan | July 11, 2002 | X | |
| No. 2002-292533 | Japan | October 4, 2002 | X | |
| No. 2002-321351 | Japan | November 5, 2002 | X | |
| No. 2003-090727 | Japan | March 28, 2003 | X | |
| No. 2003-148029 | Japan | May 26, 2003 | X | |

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

Prior Provisional Application(s):
Application Number Filing Date

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U. S. Application(s):
Serial No. Filing Date Status: Patented, Pending, Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) and/or agent(s): Edward A. Becker, Reg. No. 37,777; Stephen A. Becker, Reg. No. 26,527; Marcel K. Bingham, Reg. No. 42,327; John G. Bisbikis, Reg. No. 37,095; Daniel Bucca, Reg. No. 42,368; Kenneth L. Cage, Reg. No. 26,151; Stephen C. Carlson, Reg. No. 39,929; Paul Devinsky, Reg. No. 28,553; Laura A. Donnelly, Reg. No. 38,435; Margaret M. Duncan, Reg. No. 30,879; Brian E. Ferguson, Reg. No. 36,801; Michael F. Fogarty, Reg. No. 36,139; Wilhelm F. Gadiano, Reg. No. 37,136; Keith E. George, Reg. No. 34,111; John A. Hankins, Reg. No. 32,029; Brian D. Hickman, Reg. No. 35,894; Eric J. Kraus, Reg. No. 36,190; Edward E. Kubasiewicz, Reg. No. 30,020; Patrick B. Law, Reg. No. 41,549; Robert E. LeBlanc, Reg. No. 17,219; Jack Q. Lever, Reg. No. 28,149; Raphael V. Lupo, Reg. No. 28,363; Christine F. Martin, Reg. No. 39,762; Michael E. McCabe, Jr., Reg. No. 37,182; Michael A. Messina, Reg. No. 33,424; Eugene J. Molinelli, Reg. No. 42,901; Christopher J. Palermo, Reg. No. 42,056; Joseph H. Paquin, Jr., Reg. No. 31,647; Craig L. Plastrick, Reg. No. 41,254; Robert L. Price, Reg. No. 22,685; Paul A. Roberts, Reg. No. 40,289; Gene Z. Robinson, Reg. No. 33,351; Joy Ann G. Serauskas, Reg. No. 27,952; Michele M. Schafer, Reg. No. 34,717; David J. Serbin, Reg. No. 30,589; Glenn Snyder, Reg. No. 41,428; Arthur J. Steiner, Reg. No. 26,106; David L. Stewart, Reg. No. 37,578; Leonid D. Thenor, Reg. No. 39,397; Keith J. Townsend, Reg. No. 40,358; Leon R. Turkevich, Reg. No. 34,035; Christopher D. Ward, Reg. No. 41,367; Damian G. Wasserbauer, Reg. No. 34,749; Aaron Weissstuch, Reg. No. P41,557; Edward J. Wise, Reg. No. 34,523; Alexander V. Yampolsky, Reg. No. 36,324; and Robert W. Zelnick, Reg. No. 36,976 all of

McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

Full name of sole or first inventor: Chihiro KAWAI

Inventor's signature: Chihiro Kawai

Date: June 24, 2004

Residence: Itami-shi, Hyogo, Japan

Citizenship: Japan

Post Office Address: c/o Itami Works of Sumitomo Electric Industries, Ltd.,
1-1, Koyakita 1-chome, Itami-shi, Hyogo, Japan

Full name of second joint inventor: Masami TATSUMI

Inventor's signature: Masami Tatsumi

Date: June 24, 2004

Residence: Itami-shi, Hyogo, Japan

Citizenship: Japan

Post Office Address: c/o Itami Works of Sumitomo Electric Industries, Ltd.,
1-1, Koyakita 1-chome, Itami-shi, Hyogo, Japan

Full name of third joint inventor:

Inventor's signature:

Date:

Residence:

Citizenship:

Post Office Address:

PATENT COOPERATION TREATY

PCT

NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

From the INTERNATIONAL BUREAU

To:

SAKAI, Masami
Akasaka Office Heights
13-5, Akasaka 4-chome
Minato-ku, Tokyo 107-0052
Japan

| | |
|--|---|
| Date of mailing (day/month/year) 22 August 2003 (22.08.03) | IMPORTANT NOTIFICATION |
| Applicant's or agent's file reference PCT-10804 | |
| International application No. PCT/JP03/08777 | International filing date (day/month/year) 10 July 2003 (10.07.03) |
| International publication date (day/month/year) Not yet published | Priority date (day/month/year) 11 July 2002 (11.07.02) |
| Applicant SUMITOMO ELECTRIC INDUSTRIES, LTD. et al | |

- The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
- This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
- An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
- The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

| <u>Priority date</u> | <u>Priority application No.</u> | <u>Country or regional Office or PCT receiving Office</u> | <u>Date of receipt of priority document</u> |
|-------------------------|---------------------------------|---|---|
| 11 July 2002 (11.07.02) | 2002-202837 | JP | 01 Augu 2003 (01.08.03) |
| 04 Octo 2002 (04.10.02) | 2002-292533 | JP | 01 Augu 2003 (01.08.03) |
| 05 Nove 2002 (05.11.02) | 2002-321351 | JP | 01 Augu 2003 (01.08.03) |
| 28 Marc 2003 (28.03.03) | 2003-90727 | JP | 01 Augu 2003 (01.08.03) |
| 26 May 2003 (26.05.03) | 2003-148029 | JP | 01 Augu 2003 (01.08.03) |

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Virenda SINGH GAUTAM (Fax 338 7010)

Facsimile No. (41-22) 338.70.10

Telephone No. (41-22) 338 8036